

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GETRONICSWANG CO., LLC,

Plaintiff,

v.

Civil Action No. 04-12382 (RCL)

HYNIX SEMICONDUCTOR, INC. and
SAMSUNG ELECTRONICS CO., LTD.

Defendants.

AFFIDAVIT OF D. S. CHUNG

D.S. Chung, being duly sworn, deposes and states as follows:

1. My name is D.S. Chung. I am the Vice President in charge of Patent Group at Hynix Semiconductor Inc. ("Hynix"). I have held positions within the Patent Group at Hynix and its predecessor in interest for 16 years. I am one of the longest tenured members of the Hynix Patent Group.
2. I first became aware of the issues involved in this lawsuit through a series of communications that I had with Anthony Paolillo of Getronicswang Co., LLC ("Wang"), beginning at the end of 2002. I am not aware of there being any issues relating to the withholding of taxes from royalty payments made to Wang by Hynix prior to 2002. Although I signed letters transmitting royalty payments to Wang in the period 1993 to 1995, there were no discussions within Hynix with regard to withholding at the time those letters were sent. My own role in transmitting those payments was purely ministerial.

3. I have no particular memory or personal knowledge of why Hynix withheld taxes from the royalty payments to Wang, except that I know that, in accordance with the tax laws and NTS regulations, Hynix routinely withholds taxes from royalty payments made pursuant to such licensing agreements. I am not aware that there was any issue concerning the necessity or propriety of the withholding in the period from 1993 to 1995, and I do not remember there being any discussions within Hynix pertaining to the withholding.

4. Although I was at Hynix during the period 1993 to 1995 when the withholding took place, I do not know of anyone currently employed by Hynix or formerly employed by Hynix who would have any more knowledge than I do of the circumstances surrounding the withholding of taxes.

5. Hynix acquired LG Semicon Co., Ltd., which was the successor company to Goldstar Electron Co., Ltd. ("Goldstar"), in 1999. I do not know of anyone currently employed by Hynix or formerly employed by Hynix or Goldstar who would have personal knowledge of any issues concerning the withholding of taxes from royalty payments made by Goldstar to Wang.


D.S. Chung